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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 08/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/677302

Applicant(s)

Robb

Examiner

Aber, G

Group Art Unit

3624

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 7/19/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-26 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-26 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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### DETAILED ACTION

#### *Response to Request for Continued Examination(RCE)*

1. This action is issued in reply to applicant's Request for Continued Examination(RCE)(Paper #10) dated 7/19/02.
2. Applicant amended claims 1,8,13,20,25-26. No claims were cancelled. None were added.
3. Claims 1-26 are pending.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6,13-18,21-25 are rejected under 35 USC 103(a) as unpatentable over Mori(US Pat. No: 6,044,363) in view of Rackson(US Pat. No: 6,415,270) and further in view of Barzilai(US Pat. No:6,012,045).
- 6.(AMENDED) As per claim 1 Mori teaches a process for auctioning services requested by a buyer, comprising the steps of the buyer submitting a service request to a broker for auctioning(col 1 lines 47-58) the buyer specifying at the start of the auction the number N of best bids to be considered from the auction(col 1 line 59-col 2 line 7)(col 14 lines 10-34).Although Mori does not specifically teach it, Rackson teaches where N is a number less than the number of all bids and predetermined by the buyer based on the tradeoff between price competition among

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bidders and number of bidders available for buyer selection of a bidder based on factors other than price(at a larger N value)((col 2 lines 36-65)(col 3 lines 15-40)(col 4 lines 22-55)(col 6 lines 4-42)(col 8 lines 6-17)(col 9 lines 7-35)(col 10 lines 52-63)(col 11 lines 4-32). Mori teaches the broker making the number N available to bidders(col 2 lines 1-3) the broker notifying the buyer of the identities of the N lowest bids(col 2 lines 8-12)(col 2 line 63-col 3 line 3) and the buyer selecting a bidder from one of the N lowest bids or choosing not to execute the job(col 2 line 4).Although Mori does not specifically teach it,Barzilai teaches that N can be a number up to 8(col 2 lines 1-7) rather than any number. It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker to teach the above and to allow N to vary abitrarily. The motivation for this is to provide a mechanism for providing a method for a bidder to have a multi-auction service and permit the bidding service to coordinate a bidding strategy with rules across remote sites to achieve an optimal result as enunciated by Rackson(col 6 lines 24-41).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker and further in view of Barzilai. The motivation to combine is to teach a computer-based method of purchasing and selling consumer products and services via an electronic bid,auction and sale system as enunciated by Barzilai(col 1 lines 46-51).

7. As per claim 2 Mori teaches according to claim 1. Mori does not specifically teach wherein the broker does not allow the buyer to consider any bids greater than the Nth bid. Barzilai teaches this(col 14 line 10-27).It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker to teach the above. The motivation for this is to

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provide a mechanism for providing a method for a bidder to have a multi-auction service and permit the bidding service to coordinate a bidding strategy with rules across remote sites to achieve an optimal result as enunciated by Rackson(col 6 lines 24-41).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker and further in view of Barzilai. The motivation to combine is to teach a computer-based method of purchasing and selling consumer products and services via an electronic bid,auction and sale system as enunciated by Barzilai(col 1 lines 46-51).

8. As per claim 3 Mori teaches a process as in claim 1, wherein the bidders can bid any amount.Mori teaches that bidders must beat an outstanding bid by more than a predetermined amount. Mori teaches that there is a bid charge associated with each bid made by the member(col 15 lines 2-4). Mori teaches a bid increment(Fig 19/2010). It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker to teach the above. The motivation for this is to provide a mechanism for providing a method for a bidder to have a multi-auction service and permit the bidding service to coordinate a bidding strategy with rules across remote sites to achieve an optimal result as enunciated by Rackson(col 6 lines 24-41).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker and further in view of Barzilai. The motivation to combine is to teach a computer-based method of purchasing and selling consumer products and services via an electronic bid,auction and sale system as en unciated by Barzilai(col 1 lines 46-51). It would have been obvious to one skilled in the art at the time of the invention that if there is a

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bid charge associated with each bid then there is a predetermined amount by which the bids must increment.

9. As per claim 4 Mori teaches a process as in claim 1, wherein there are service requests(col 2 lines 28-37). Mori fails to teach specifically a request is for print services.It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker to teach the above and to apply this process specifically to printing services offered at the auction. The motivation for this is to provide a mechanism for providing a method for a bidder to have a multi-auction service and permit the bidding service to coordinate a bidding strategy with rules across remote sites to achieve an optimal result as enunciated by Rackson(col 6 lines 24-41).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker and further in view of Barzilai. The motivation to combine is to teach a computer-based method of purchasing and selling consumer products and services via an electronic bid,auction and sale system as en unciated by Barzilai(col 1 lines 46-51). It would have been obvious to one skilled in the art at the time of the invention to apply the services offered at the auction process specifically to printing. The motivation for this is to teach an online auction process for printing services.

10. As per claim 5 Mori teaches a process as in claim 1, wherein the broker is an electronic broker operating at a node in an information exchange network(Fig 1/1101)(col 2 lines 28-29).

11. As per claim 6 Mori teaches a process as in claim 5, wherein the information exchange network is the Internet(col 2 lines 11-14).

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12.(AMENDED) As per claim 13 Mori teaches a process for auctioning services requested by a buyer, comprising the steps of the buyer submitting a service request to a broker for auctioning(col 1 lines 47-58) the buyer specifying at the start of the auction the number N of best bids to be considered from the auction(col 1 line 59-col 2 line 7)(col 14 lines 10-34).Although Mori does not specifically teach it, Rackson teaches where N is a number less than the number of all bids and predetermined by the buyer based on the tradeoff between price competition among bidders and number of bidders available for buyer selection of a bidder based on factors other than price(at a larger N value)((col 2 lines 36-65)(col 3 lines 15-40)(col 4 lines 22-55)(col 6 lines 4-42)(col 8 lines 6-17)(col 9 lines 7-35)(col 10 lines 52-63)(col 11 lines 4-32).Mori teaches the broker making the number N available to bidders(col 2 lines 1-3) the broker notifying the buyer of the identities of the N lowest bids(col 2 lines 8-12)(col 2 line 63-col 3 line 3) and the buyer selecting a bidder from one of the N lowest bids or choosing not to execute the job(col 2 line 4).Although Mori does not teach it specifically, Barzilai teaches that N can be a number up to 8(col 2 line 2) rather than any number.It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker to teach the above and to allow N to vary arbitrarily for the widest possible auction for bidders and sellers. The motivation for this is to provide a mechanism for providing a method for a bidder to have a multi-auction service and permit the bidding service to coordinate a bidding strategy with rules across remote sites to achieve an optimal result as enunciated by Rackson(col 6 lines 24-41).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of

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Ricker and further in view of Barzilai. The motivation to combine is to teach a computer-based method of purchasing and selling consumer products and services via an electronic bid, auction and sale system as en unciated by Barzilai(col 1 lines 46-51).

13. As per claim 14 Mori teaches according to claim 1. Mori does not specifically teach wherein the broker does not allow the buyer to consider any bids greater than the Nth bid. Barzilai teaches this(col 14 line 10-27).It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker to teach the above. The motivation for this is to provide a mechanism for providing a method for a bidder to have a multi-auction service and permit the bidding service to coordinate a bidding strategy with rules across remote sites to achieve an optimal result as enunciated by Rackson(col 6 lines 24-41).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker and further in view of Barzilai. The motivation to combine is to teach a computer-based method of purchasing and selling consumer products and services via an electronic bid, auction and sale system as enunciated by Barzilai(col 1 lines 46-51).

14. As per claim 15 Mori teaches a process as in claim 13, wherein the bidders can bid any amount.Mori teaches that bidders must beat an outstanding bid by more than a predetermined amount. Mori teaches that there is a bid charge associated with each bid made by the member(col 15 lines 2-4). Mori teaches a bid increment(Fig 19/2010).It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker to teach the above and that if there is a bid charge associated with each bid then there is a predetermined amount by



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which bids must increment. The motivation for this is to provide a mechanism for providing a method for a bidder to have a multi-auction service and permit the bidding service to coordinate a bidding strategy with rules across remote sites to achieve an optimal result as enunciated by Rackson(col 6 lines 24-41).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker and further in view of Barzilai. The motivation to combine is to teach a computer-based method of purchasing and selling consumer products and services via an electronic bid,auction and sale system as enunciated by Barzilai(col 1 lines 46-51).

15. As per claim 16 Mori teaches a process as in claim 13, wherein there are service requests(col 2 lines 28-37). Mori fails to teach specifically a request is for print services.It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker to teach the above. The motivation for this is to provide a mechanism for providing a method for a bidder to have a multi-auction service and permit the bidding service to coordinate a bidding strategy with rules across remote sites to achieve an optimal result as enunciated by Rackson(col 6 lines 24-41).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker and further in view of Barzilai to teach the above and apply these methods to the purchase through the auction to printing services. The motivation to combine is to teach a computer-based method of purchasing and selling consumer products and services via an electronic bid,auction and sale system as enunciated by Barzilai(col 1 lines 46-51).

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16. As per claim 17 Mori teaches a process as in claim 13, wherein the broker is an electronic broker operating at a node in an information exchange network(Fig 1/1101)(col 2 lines 28-29).

17. As per claim 18 Mori teaches a process as in claim 17, wherein the information exchange network is the Internet(col 2 lines 11-14).

18. As per claim 21 Mori teaches a process as in claim 20, further comprising the step of the broker making available to the bidders a buyer profile(col 6 lines 12-24)(col 7 lines 44-62)(col 9 lines 1-44). Mori fails to teach a buyer's rating, wherein said rating includes information on the buyer's follow-through of bids in prior auctions.Barzilai teaches a buyer's history of transactions(col 6 lines 1-26).It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of the bidders for certainty of bids.

19. As per claim 22 Mori teaches a process as in claim 20, wherein there are service requests(col 2 lines 28-37). Mori fails to teach specifically a request is for print services.It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker to teach the above. The motivation for this is to provide a mechanism for providing a method for a bidder to have a multi-auction service and permit the bidding service to coordinate a bidding strategy with rules across remote sites to achieve an optimal result as enunciated by Rackson(col 6 lines 24-41).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker and further in view of Barzilai to teach the above and apply these methods to the purchase through the auction to printing services.

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The motivation to combine is to teach a computer-based method of purchasing and selling consumer products and services via an electronic bid, auction and sale system as enunciated by Barzilai(col 1 lines 46-51).

20. As per claim 23 Mori teaches a broker system as in claim 20, further comprising means to communicate with an information exchange network, wherein the buyer and the bidders communicates with the broker system via the information exchange network(Fig 1/1101)(col 2 lines 28-29).

21. As per claim 24 Mori teaches a broker system as in claim 23, wherein the information exchange network is the Internet(col 2 lines 11-14).

22.(AMENDED) As per claim 25 Mori teaches a network system for auctioning services, comprising: one or more nodes for buyers to access the network(col 2 lines 24-29) one or more nodes for bidders to access the network(col 2 lines 24-28) and a broker system for auctioning services requested by a buyer, comprising means for the buyer to submit a service request to a broker for auctioning(col 1 lines 47-58) and means for the buyer to specify at the start of the auction the number N of best bids to be considered from the auction(col 1 line 59-col 2 line 7).Although Mori does not specifically teach it, Rackson teaches where N is a number less than the number of all bids and predetermined by the buyer based on the tradeoff between price competition among bidders and number of bidders available for buyer selection of a bidder based on factors other than price(at a larger N value)((col 2 lines 36-65)(col 3 lines 15-40)(col 4 lines 22-55)(col 6 lines 4-42)(col 8 lines 6-17)(col 9 lines 7-35)(col 10 lines 52-63)(col 11 lines 4-

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32).Mori teaches means for the broker to make N available to bidders(col 2 lines 1-3) and means for the buyer to select a bidder from one of the N best bids(col 2 line 4).Mori teaches that N can be a number up to 8(col 2 line 2) rather than any number. It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker to teach the above and to allow N to vary abitrarily. The motivation for this is to provide a mechanism for providing a method for a bidder to have a multi-auction service and permit the bidding service to coordinate a bidding strategy with rules across remote sites to achieve an optimal result as enunciated by Rackson(col 6 lines 24-41).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Ricker and further in view of Barzilai to allow N to vary arbitrarily. The motivation to combine is to teach a computer-based method of purchasing and selling consumer products and services via an electronic bid,auction and sale system as enunciated by Barzilai(col 1 lines 46-51) and to encompass the largest possible auction for bidders and sellers.

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23. Claims 7-12,19-20,26 are rejected under 35 USC 103(a) as unpatentable over Mori(US Pat. No: 6,044,363) in view of Barzilai(US Pat. No:6,012,045).

24. As per claim 7 Mori teaches a process as in claim 1, further comprising the step of the broker making available to the bidders a buyer profile(col 6 lines 12-24)(col 7 lines 44-62)(col 9 lines 1-44). Mori fails to teach a buyer's rating, wherein said rating includes information on the buyer's follow-through of bids in prior auctions.Barzilai teaches a buyer's hisory of

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transactions(col 6 lines 1-26).It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of the bidders for certainty of bids.

25.(AMENDED) As per claim 8 Mori teaches a process for auctioning services requested by a buyer comprising the steps of the buyer submitting a service request to a broker for auctioning(col 2 lines 6-col 3 line 7) further comprising the step of the broker making available to the bidders a buyer profile(col 6 lines 12-24)(col 7 lines 44-62)(col 9 lines 1-44). Mori fails to teach a buyer's rating, wherein said rating includes information on the buyer's follow-through of bids in prior auctions.Barzilai teaches a buyer's history of transactions(col 17 line 56-col 18 line 46)(Fig 7) and critical information(col 7 line 40-col 8 line 30) as well as a transaction clearing history of a buyer(col 11 lines 6-30) on purchased services and clearing of funds for purchased items(col 14 lines 44-54), so that a decision could be made on whether to bid on the service request wherein the higher the rating(col 11 lines 6-30) the more willing the potential bidders would want to bid and the lower the rating(col 17 line 56-col 18 line 46) the less willing the potential bidders would want to bid. It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of the bidders for certainty of bids.

26. As per claim 9 Mori teaches a process as in claim 8. Mori does not specifically teach wherein the rating includes the number of service requests completed with respect to the number of service requests submitted in prior auctions. Barzilai teaches this(col 6 lines 1-26).It would have been

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obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of the bidders for certainty of bids.

27. As per claim 10 Mori teaches a process as in claim 8, wherein there are service requests(col 2 lines 28-37). Mori fails to teach specifically a request is for print services. It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach applying the services offered at the auction process specifically to printing. The motivation for this is to teach an online auction process for printing services.

28. As per claim 11 Mori teaches a process as in claim 8, wherein the broker is an electronic broker operating at a node in an information exchange network(Fig.1/1101)(col 2 lines 28-29).

29. As per claim 12 Mori teaches a process as in claim 11, wherein the information exchange network is the Internet(col 2 lines 11-14).

30. As per claim 19 Mori teaches a process as in claim 13, further comprising the step of the broker making available to the bidders a buyer profile(col 6 lines 12-24)(col 7 lines 44-62)(col 9 lines 1-44). Mori fails to teach a buyer's rating, wherein said rating includes information on the buyer's follow-through of bids in prior auctions. Barzilai teaches a buyer's history of transactions(col 6 lines 1-26). It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of the bidders for certainty of bids.

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31.(AMENDED) As per claim 20 Mori teaches a network system for auctioning services, comprising one or more nodes for buyers to access the network(col 2 lines 24-29) one or more nodes for bidders to access the network(col 2 lines 24-28) and a broker system for auctioning services requested by a buyer, comprising means for receiving from the buyer a service request for auctioning(col 4 lines 11-24).Mori teaches a step of the broker making available to the bidders a buyer profile(col 6 lines 12-24)(col 7 lines 44-62). Mori fails to teach a means for making available to potential bidders a buyer rating, wherein said rating includes information on the buyer's follow-through of bids in prior auctions.auctions.Barzilai teaches a buyer's history of transactions(col 17 line 56-col 18 line 46)(Fig 7) and critical information(col 7 line 40-col 8 line 30) as well as a transaction clearing history of a buyer(col 11 lines 6-30) on purchased services and clearing of funds for purchased items(col 14 lines 44-54), so that a decision could be made on whether to bid on the service request wherein the higher the rating(col 11 lines 6-30) the more willing the potential bidders would want to bid and the lower the rating(col 17 line 56-col 18 line 46) the less willing the potential bidders would want to bid.It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of bidders for certainty of bids.

32.(AMENDED) As per claim 26 Mori teaches a network system for auctioning services, comprising one or more nodes for buyers to access the network(col 2 lines 24-29) one or more nodes for bidders to access the network(col 2 lines 24-28) and a broker system for auctioning

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services requested by a buyer, comprising means for receiving from the buyer a service request for auctioning(col 4 lines 11-24).Mori teaches a step of the broker making available to the bidders a buyer profile(col 6 lines 12-24)(col 7 lines 44-62). Mori fails to teach a means for making available to potential bidders a buyer rating, wherein said rating includes information on the buyer's follow-through of bids in prior auctions.auctions.Barzilai teaches a buyer's history of transactions(col 17 line 56-col 18 line 46)(Fig 7) and critical information(col 7 line 40-col 8 line 30) as well as a transaction clearing history of a buyer(col 11 lines 6-30) on purchased services and clearing of funds for purchased items(col 14 lines 44-54), so that a decision could be made on whether to bid on the service request wherein the higher the rating(col 11 lines 6-30) the more willing the potential bidders would want to bid and the lower the rating(col 17 line 56-col 18 line 46) the less willing the potential bidders would want to bid.It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach the above. The motivation for this is to develop a database of the character of bidders for certainty of bids.

### *Response to Arguments*

33. Applicant's arguments filed 12/29/01 have been fully considered but are moot in view of the new grounds for rejection.

### *Conclusion*

34. **THIS ACTION IS MADE NON-FINAL.**


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Questions concerning this communication should be directed to the examiner, Dr. Geoffrey Akers, P.E., who can be reached at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to contact the examiner are unsuccessful, the examiner's supervisor, Mr Vincent Millin, SPE, may be telephoned at (703)-308-1065.

GRA

  
July 30, 2002